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January 8, 2013

VIA ECF

Honorable Tonianne J. Bongiovanni, U.S.M.J.
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Federal Bldg. & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

**Re: *AstraZeneca AB, et al. v. Hanmi USA, Inc., et al.*
Civil Action No. 11-760 (JAP)(TJB)**

Dear Judge Bongiovanni:

We, along with Sughrue Mion, PLLC, represent the Hanmi Defendants (“collectively Hanmi”) in the above-captioned action. Hanmi respectfully submits this letter further to the parties’ letters of December 20, 21, 26 and 27, 2012.

Hanmi again requests the Court’s assistance in setting the pretrial and trial schedule. Based on the parties’ late December letters, Your Honor will appreciate that following issuance of the Court’s *Markman* ruling, Hanmi and AstraZeneca could not come to agreement on a schedule per the Court’s directive. (D.I. 256 at pp. 5:11- 7:8; 7:35-8:6 (November 28, 2012 hearing transcript)). As reflected in Hanmi’s December 20, 2012, letter to the Court (D.I. 259), Hanmi sought to comply with the Court’s specific directive to **work out a schedule**:

But I’m wondering if what I can have you folks do is agree upon a schedule that gives you a period of time following a decision to wrap things up. Generally, I’m not fond of the “within twenty-one days or thirty-day” type schedule because it just is too fluid for me. I usually prefer firm dates. But in this situation, maybe that’s something that I can send you folks off to agree upon. . . (*Id.* at 6:22-7:3)

Instead of following the Court’s instruction, AstraZeneca refused to discuss a schedule following the *Markman* decision. Hanmi was *again* met with AstraZeneca’s repeated letters, tactics and arguments for delay, which again are rife throughout its submissions to the



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Court but which provide no legitimate grounds to delay trial, for reasons Hanmi has set forth several times.

Hanmi thus requests Your Honor's assistance in resetting the expert schedule – which the Court contemplated to be in the range of *21 or 30 days* following the *Markman* ruling for opening reports (D.I. 256 at 6:22-7:3) – and setting the remaining case schedule, particularly in view of the looming expiration of the 30-month stay in this case on June 29, 2013, and the Court's stated preference to hold a "spring-type trial" (*Id.* at 8:19-20; D.I. 230 (Trial in April, 2013)) and avoid preliminary injunction proceedings (D.I. 256 at 6:9-15 and 12:1-13:15). Indeed, in order for the case to be "tried at the end of April or in May . . . with the thirty-month stay looming," so that "Judge Pisano [can] do what he needs to do to try to reach that date" (*Id.* at 13: 12-15), the pretrial schedule and trial date need to be set at the Court's early convenience.

We are available should the Court wish to discuss the schedule.

Respectfully,

s/Mayra V. Tarantino

Mayra V. Tarantino

MVT:emp

cc: Counsel of Record (via ECF & email)